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Washington Supreme Court orders attorneys back on school funding case

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OLYMPIA – Attorneys for the state and families challenging the amount Washington spends on its public schools were ordered Thursday to return to the Supreme Court for another round of arguments.

The Supreme Court had been asked to drop the contempt order and the \$100,000 a day fine it imposed on the Legislature last year for not complying with previous rulings to come up with a plan for adequate funding of “basic education” in public schools. The court refused.

Instead, it ordered members of the state attorney general staff and those representing families and other groups who filed the lawsuit back to for oral arguments on Sept. 7. At that point, the state’s attorneys will be required to explain just exactly how much they believe it will cost to comply with laws on that spell out what basic education should be.

That includes how much the state would need to spend for materials and other operating costs, smaller class sizes in kindergarten through third grade, all-day kindergarten and any construction costs associated with those changes.

They will also be expected to tell the court how much of those costs the Legislature has covered, and what has yet to be put in future budgets.

Attorneys will also get a chance to argue whether the contempt order should be dismissed, or further sanctions are in order.

The case, generally known as McCleary after the family name of the lead plaintiffs, resulted in a 2012 order from the Supreme Court that the state was not living up to its constitutional obligation that makes the education of Washington children the “paramount duty.” The Legislature was given until 2018 to correct those inadequacies, and has added billions to public school programs since then. But attorneys for the families and other education groups say that still doesn’t cover basic education as it is spelled out in laws passed by previous Legislatures.